



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

A. G. Kawamura, Secretary

January 19, 2007

Ms. Polly Lowry
Senior Engineering Geologist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Dear Ms. Lowry:

Thank you for the opportunity to review and comment on the draft General Waste Discharge (WDR) Requirements for Existing Milk Cow Dairies. The California Department of Food & Agriculture (CDFA) recognizes the importance of this Tentative WDR as it represents the foundation for:

Developing both short- and long-term programmatic steps and approaches.
Leading ultimately to enhance environmental performance on existing milk cow dairies in the Central Valley.

CDFA staff has been involved in the dairy industry-working group as recently as Summer/Fall 2006 when we spent a significant amount of time reviewing and providing group comments on the draft WDR. The primary function of this group was to provide sound and rational input to the Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff on the best practical means to achieve enhanced environmental stewardship practices on-farm.

The following CDFA comments do not deviate greatly from what the various members of the working group have already submitted individually. However, our comments do highlight some significant issues pertaining to the proposed regulation of existing milk cow dairies.

CDFA looks forward to continued involvement throughout the regulatory hearing and implementation process of the WDR by offering:

Technical assistance to address management practices that achieve water quality goals while allowing economically sustainable dairy operations in the Central Valley.





Ms. Polly Lowry
January 19, 2007
Page 2

Financial assistance to address research and implementation of management practices that achieve water quality goals.

General Comments

CDFA believes the Nutrient Management Plan (NMP) is the most important portion of the Tentative WDR. The NMP should be the top priority for the dairy farm. There is recognition that the NMP will likely identify significant infrastructure changes needed at many dairies. These changes as identified through on-farm evaluations will provide workable and practical assurances to the dairyman enabling them to meet water quality regulations and increase environmental performance.

The use of technological requirements within this WDR provide no satisfactory regulatory assurances that water quality will be substantively improved as a result of their applications. CDFA believes unproven and unvalidated technology has no place in this process given the high economic risk posed to dairyman needing to obtain regulatory approvals and increase performance.

CDFA believes a prioritization by groundwater basin or known contaminant area should be used when identifying high risk areas associated with dairies. Prioritizing higher risk areas would eliminate the need to blanket all existing milk cow dairies with costly groundwater monitoring wells. Groundwater monitoring should be used for feedback purposes only to provide assurances the NMP is working effectively to provide safeguards for both surface and ground water.

Additionally, to the extent practicable, the use of lysimeters where deemed effective, could save dairyman thousands of dollars and yield important information in the collection of the movement of the water in the vadose zone. Recognizing that lysimeters are not a panacea given the highly site-specific and variable nature of the Central Valley soil conditions, their use can add value to understanding immediate site specific vadose zone quality and may be more practical than installing wells. This issue should be taken up by the technical Coordination Committee facilitated by CDFA to improve dairy environmental research and demonstration.





Ms. Polly Lowry
January 19, 2007
Page 3

Comments on Tentative WDR General Order

On page 6, under Finding 25, (Dairy Impacts on Water Quality) suggests significant improvements can be made relatively quickly by establishing recycling flush water systems and leasing or purchasing or additional lands. This finding suggests these improvements generally have short turn around times to accomplish.. However, given the inherent lack of available funds to make the necessary changes, these improvements should be addressed as a longer-term implementation product.

On page 20, under Required Reports and Notices, H2a, the reference that dischargers must submit an Existing Conditions Report in accordance with the Schedule of Tasks Finding F1, Table 1 within four months does not follow the submittal schedule agreed to during the initial discussion of this issue. The initial agreement from the industry-working group was to allow up to six months for over 1500 dairies to submit this report. A shortened timeline potentially threatens the ability of producers to comply with such a submittal. There is also a question as to the capacity to provide technical assistance in a timely manner in just four months.

On page 21, under Required Reports and Notices, H2e, submittal of a salinity report by a third party, possibly the California Dairy Quality Assurance Program makes very good sense. However, if such an industry-wide plan or report were produced, there should be some direct nexus to the strategies or work plan developed by the larger statewide Salinity Working Group headed by Dr. Karl Longley to ensure both vertical and horizontal consistency.

Comments on Attachment C-Nutrient Management Plan

On page 7, under Technical Standards for Nutrient Management, Section V, Nutrient Budget is currently too detailed in terms of requirements to be met within a 24 month window as identified in Table 1, Schedule for Submittal. A more reasonable accommodation of 36 months to measure the nutrient cycles would better serve the scientific understanding of the nutrient process on these dairies. A 24 month timeline does not adequately allow for the tracking of the nutrient-nitrogen cycle given the highly variable nature of manure management.





CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

A. G. Kawamura, Secretary

Ms. Polly Lowry
January 19, 2007
Page 4

Comments on Attachment D-Manure/Process Wastewater Tracking Manifest

Under the Destination Information section of this manifest there should be greater clarification and consistency of choices to allow transparency. For example, the addition of the phrase "Storage Facility" and "Land Application Area" would add value to the dairyman in terms of making a clearer distinction as to where manure and or process wastewater is hauled.

Again, thank you for the opportunity to provide comments. Please call me at (916) 657-4956 if you have any questions. In the event responses to comments are generated, refer comments to Eddie Hard at (916) 653-0873.

Sincerely,

Steve Shaffer, Director
Agriculture and Environmental Stewardship

cc: A.G. Kawamura, Secretary, California Department of Food & Agriculture
Daniel Merkley, State Water Resources Control Board
John Menke, State Water Resources Control Board
Dr. Mike Payne, Director California Dairy Quality Assurance Program

